



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

14 APR 2006

The Honorable Mark Forbes
Speaker
Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 234(LS), "AN ACT TO AMEND SUBSECTION (a) OF §34116, AND TO ADD A NEW SECTION 34125 AND TO REPEAL AND RENACT SECTION 34123 OF ARTICLE 1, CHAPTER 34, DIVISION 2, ALL OF TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO THE IMPOSITION OF MANDATORY FINES ON OWNERS OF IMPOUNDED DOGS AND TO ESTABLISH A STRAY DOG REVOLVING FUND," which I signed into law on April 14, 2006, as Public Law 28-108.

Sinseru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

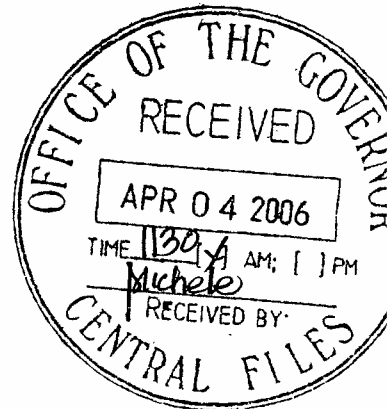
Form for Senator Edward J.B. Calvo, Secretary of the Legislature, Acknowledgement Receipt. Includes fields for Rcv'd by, Print Name & Initial, Time, and Date.

Office of the Speaker
MARK FORBES
Date: 4/17/06
Time: 11:00
Rec'd by: [Signature]
Print Name: [Signature]
28-06-0782



MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

March 31, 2006



The Honorable Felix P. Camacho
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 152(LS), 192(EC), 208(EC), 223(LS), 253(EC) & 255(LS); and Substitute Bill Nos. 234(LS) & 254(LS) which were passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on March 22, 2006; Bill Nos. 219(EC), 245(EC) & 262(EC), and Substitute Bill Nos. 125(EC), 228(EC) which were passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on March 24, 2006; and Substitute Bill No. 243(LS) which was passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on March 30, 2006.

Sincerely,

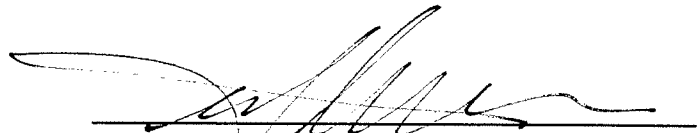
EDWARD J.B. CALVO
Senator and Secretary of the Legislature

Enclosures (14)

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 234 (LS), "AN ACT TO AMEND SUBSECTION (a) OF §34116, TO ADD A NEW SECTION 34125 AND TO REPEAL AND RENACT SECTION 34123 OF ARTICLE 1, CHAPTER 34, DIVISION 2, ALL OF TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO THE IMPOSITION OF MANDATORY FINES ON OWNERS OF IMPOUNDED DOGS AND TO ESTABLISH A STRAY DOG REVOLVING FUND" was on the 22nd day of March, 2006, duly and regularly passed.



Mark Forbes
Speaker

Attested:



Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 04 day of April,
2006, at 1130 o'clock a.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 14 APRIL 2006

Public Law No. 28-108

**MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session**

Bill No. 234 (LS)

As substituted by the author,
further substituted by the
Committee on Education &
Community Development and
amended on the Floor.

Introduced by:

A. B. Palacios, Sr.

L. F. Kasperbauer

F. B. Aguon, Jr.

J. M.S. Brown

Edward J.B. Calvo

B. J.F. Cruz

Mike Cruz

Mark Forbes

R. Klitzkie

L. A. Leon Guerrero

J. A. Lujan

R. J. Respicio

Ray Tenorio

A. R. Unpingco

J. T. Won Pat

**AN ACT TO *AMEND* SUBSECTION (a) OF §34116,
TO *ADD* A NEW SECTION 34125 AND TO
REPEAL AND *RE-ENACT* SECTION 34123 OF
ARTICLE 1, CHAPTER 34, DIVISION 2, ALL OF
TITLE 10 GUAM CODE ANNOTATED,
RELATIVE TO THE IMPOSITION OF
MANDATORY FINES ON OWNERS OF
IMPOUNDED DOGS, AND TO ESTABLISH A
STRAY DOG REVOLVING FUND.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan*

3 *Guåhan* finds that the problem of stray dogs continues to plague all the
4 municipalities of Guam, posing serious danger to the safety of children
5 walking to and from bus stops, and health hazards by dogs overturning
6 garbage cans and scattering the contents of household waste containers.
7 Current statutes do not adequately hold owners of stray dogs accountable for
8 the problems caused by their dogs.

9 Therefore, it is the intent of *I Liheslaturan Guåhan* to make owners of
10 stray dogs more accountable for the problems created by their pets, to
11 establish fines for initial and repeated violations by the same owner, and to
12 establish a "Stray Dog Revolving Fund".

13 **Section 2.** Subsection (a) of §34116, Article 1, Chapter 34, Division
14 2, Title 10 Guam Code Annotated, is hereby *amended* to read:

15 **“§34116. Dog running at large, impoundment, holding**
16 **period, sterilization and adoption.** (a) It shall be unlawful for any
17 dog owner to negligently allow a dog owned by him to run at large.”

18 **Section 3.** A new §34125 of Article 1, Chapter 34, Division 2, Title
19 10 Guam Code Annotated, is hereby *added* to read:

20 **“§34125. Penalties for Violation of Articles 1 and 2.**
21 Notwithstanding the penalties created by §34124, violations of
22 Articles 1 and 2 of this Chapter shall be punished by a fine to be
23 imposed on the pet owner of not less than \$25 for the first offense, \$50
24 for a second offense, and \$100 for a third and subsequent offense. The
25 pet owner shall also pay all applicable costs, such as vaccination,
26 licensing and the per diem fee for impoundment.”

1 **Section 4.** Section 34123 of Article 1, Chapter 34, Division 2, Title
2 10 Guam Code Annotated is hereby *repealed* and *re-enacted* to read as
3 follows:

4 “§34123. **Establishment of the ‘Stray Dog Revolving**
5 **Fund.’** There is hereby established a restricted fund account called
6 the ‘Stray Dog Revolving Fund’, which shall be used by the
7 Department to purchase equipment and supplies for the effective
8 implementation and enforcement of Articles 1 and 2 of this Chapter.
9 All fees and revenues collected by the Department of Agriculture
10 pursuant to Articles 1 and 2 of this Chapter and all fines imposed
11 pursuant to Articles 1 and 2 of this Chapter shall be deposited into the
12 ‘Stray Dog Revolving Fund’. The Director of Agriculture shall
13 administer the Fund for the purposes provided herein.”

6 w/o agreement

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2006 (SECOND) Regular Session

Date: 3/22/06

VOTING SHEET

S Bill No. 234 (LS)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M.S.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J.F.	✓				
CRUZ, Michael (Dr.)	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
KLITZKIE, Robert	✓				
LEON GUERRERO, Lourdes A.	✓				
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.	✓				
TENORIO, Ray	✓				
UNPINGCO, Antonio R. 1	✓				
WON PAT, Judith T.	✓				

TOTAL

15 0 0 0 0

CERTIFIED TRUE AND CORRECT:

Fatima C. Santos
Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



~~MAR 6 2003~~

The Honorable Mark Forbes
Speaker
I Mina Bente Ocho Na Liheslaturan Guåhan
155 Hesler Place
Hagatna, Guam 96910

Re: Committee Recommendation, Bill 234 (LS)

Dear Speaker Forbes:

The Committee on Education & Community Development, to which was referred Bill No. 234 (LS): AN ACT TO AMEND SUBSECTION (a) OF §34116, AND TO ADD NEW SECTIONS 34125 AND 34126 TO ARTICLE 1, CHAPTER 34, DIVISION 2, TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO THE IMPOSITION OF MANDATORY FINES ON OWNERS OF IMPOUNDED DOGS AND TO ESTABLISH A STRAY DOG REVOLVING FUND, as substituted by the author and further substituted by committee herein reports back with the recommendation To Do Pass.

Votes are as Follows:

12 TO Pass

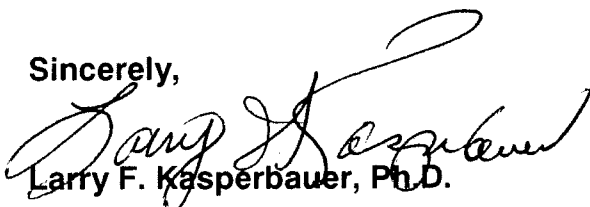
0 NOT TO Pass

0 TO REPORT OUT ONLY

0 ABSTAIN

0 INACTIVE FILE

Sincerely,


Larry F. Kasperbauer, Ph.D.



February 28, 2006

MEMORANDUM

TO: All Members
Committee on Education and Community Development

FROM: Chairman

Subject: Voting Sheet, Bill 234 (LS)

Transmitted herewith are the voting sheets and the Committee Report of **Bill No. 234 (LS): AN ACT TO AMEND SUBSECTION (a) OF §34116, AND TO ADD NEW SECTIONS 34125 AND 34126 TO ARTICLE 1, CHAPTER 34, DIVISION 2, TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO THE IMPOSITION OF MANDATORY FINES ON OWNERS OF IMPOUNDED DOGS AND TO ESTABLISH A STRAY DOG REVOLVING FUND, as substituted by the author and further substituted by committee, for your review and signature.**

Your attention to this matter is greatly appreciated.

Larry F. Kasperbauer, Ph.D.

Attachments



COMMITTEE ON EDUCATION AND COMMUNITY DEVELOPMENT

I Mina' Bente Ocho na Liheslaturan Guahan

155 Hesler Street · Hagåtña, Guam 96910

Chairman: Senator Larry F. Kasperbauer, Ph.D.

Vice-Chairperson: Senator Ray Tenorio

Ex-Officio Member: Speaker Mark Forbes

VOTING SHEET ON:

Bill No. 234 (LS): AN ACT TO AMEND SUBSECTION (a) OF §34116, AND TO ADD NEW SECTIONS 34125 AND 34126 TO ARTICLE 1, CHAPTER 34, DIVISION 2, TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO THE IMPOSITION OF MANDATORY FINES ON OWNERS OF IMPOUNDED DOGS AND TO ESTABLISH A STRAY DOG REVOLVING FUND, as substituted by the author and further substituted by committee

VOTING SHEET: Bill No. 234 (LS)

Bill 234 (LS)	SIGNATURE	TO Pass	NOT TO Pass	TO REPORT OUT OF COMMITTEE	ABSTAIN	INACTIVE FILE
Senator Larry F. Kasperbauer, Ph. D, Chairman		X				
Senator Ray Tenorio, Vice Chair		✓				
Speaker Mark Forbes, Ex-Officio		✓				
Vice Speaker Joanne Brown, Member		✓				
Senator Frank B. Aguon, Jr., Member		✓				
Senator Edward J.B. Calvo, Member		✓				
Senator Mike Cruz, M.D., Member		✓				
Senator Robert Klitzkie, Member		X				
Senator Jesse Lujan, Member		✓				
Senator Rory J. Respicio, Member		✓				
Senator Antonio R. Unpingco, Member		✓				
Senator Judith T. Won Pat, Ed.D. Member		✓				

Committee on Education and Community Development
Public Hearing

Bill No. 234 (LS): AN ACT TO AMEND SUBSECTION (a) OF §34116, AND TO ADD NEW SECTIONS 34125 AND 34126 TO ARTICLE 1, CHAPTER 34, DIVISION 2, TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO THE IMPOSITION OF MANDATORY FINES ON OWNERS OF IMPOUNDED DOGS AND TO ESTABLISH A STRAY DOG REVOLVING FUND, as substituted by the author and further substituted by committee.

I. Overview: Public Hearing

The Committee on Education and Community Development convened for a Public Hearing at approximately 10:10 a.m., Friday, January 13, 2006, to hear testimony on Bill 246 (EC) AN ACT AMEND §19103 OF 17 G.C.A. RELATIVE TO ALLOWING STUDENTS POSSESSING A BACHELORS DEGREE IN A SUBJECT OTHER THAN NURSING TO QUALIFY FOR THE NURSING TRAINING SCHOLARSHIP; Bill No. 245 (EC): AN ACT TO AMEND ITEM (a) OF §15A301 OF CHAPTER 15 OF 17 G.C.A. RELATIVE TO EXPANDING THE PROVISIONS OF THE MERIT AWARD PROGRAM, and on Substitute Bill 234 (EC): AN ACT TO AMEND SUBSECTION (a) OF §34116, AND TO ADD NEW SECTIONS 34125 AND 34126 TO ARTICLE 1, CHAPTER 34, DIVISION 2, TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO THE IMPOSITION OF MANDATORY FINES ON OWNERS OF IMPOUNDED DOGS AND TO ESTABLISH A STRAY DOG REVOLVING FUND. Notice of this hearing was disseminated throughout all local media for announcement on Friday, January 6, 2006. Notice of the hearing was printed in the Marianas Variety, Guam Edition Community Calendar; under Gov't Meetings on beginning on Monday, January 9, 2006 the notice ran through Friday, January 13, 2006. As well, notice of the hearing was published via electronic media on the 28th Guam Legislature's Web Page, www.guamlegislature.com, under the link, "legislative calendar," since Friday, January 6, 2006.

Committee Members Present:

Senator Larry F. Kasperbauer, Chairman
Senator Robert Klitzkie, Member
Senator Frank Blas Aguon, Jr., Member

Also present:

Senator Adolpho B. Palacios, Sr.

Providing Testimony on Bill No. 234 (LS):

- | | | |
|----|---|---------------|
| 1. | Ms. Karen Johnson, Vice President, Guam Animals In Need, Inc. | Oral, Written |
| 2. | Mr. Paul Bassler, Director, Department of Agriculture | Oral |
| 3. | Dr. Tom Poole, Territorial Veterinarian | Oral |
| 4. | Mayor Paul McDonald, President, Mayors Council of Guam | Written |
| 5. | Mayor Jose Terlaje, Vice President, Mayors Council of Guam | Written |

II. Summary of Testimonies

1. **Ms. Karen V. Johnson, Vice President, Guam Animals In Need, Inc. (GAIN)**

Ms. Johnson submitted and presented written and oral testimony on the provisions of Bill No. 234. She stated that GAIN strongly supports the creation of an animal control fund. She questioned, however, the ability of the Department of Agriculture to provide due process and to collect fines and recommended that these issues be handled within the court system. Ms. Johnson further recommended that fines be imposed on all violations of Articles 1 and 2 of 10 GCA Chapter 34 and the fines be more reasonable than those proposed in the Bill.

2. **Mr. Paul Bassler, Director, Department of Agriculture**

Mr. Bassler presented oral testimony in favor of Bill 234 supporting the recommended amendments by Ms. Karen Johnson.

3. **Dr. Tom Poole, Territorial Veterinarian**

Dr. Poole presented oral testimony in support of Bill 234. He, however, recommended "mandatory microchipping" of the dogs. This involves the implantation of an identifying microchip in the body of the dog for universal identification purposes.

4. **Mayor Paul M. McDonald, President, Mayors Council of Guam**

Mayor McDonald submitted written testimony, in which he supports the intent of the Bill on behalf of the Mayors' Council of Guam, and commends the author of the Bill, Senator Adolpho B. Palacios, Sr., for introducing this Bill. Also in his testimony, he mentions the continuing and growing problem of stray dogs, the lack of financial and equipment resources, and that the Mayors and Vice Mayors are very concerned with the current government operations in addressing this dilemma.

5. **Mayor Jose "Pedo" Terlaje, Vice President, Mayors Council of Guam**

Mayor Terlaje submitted written testimony. He reports that during the Mayors' Council Regular Monthly meeting of January 4, 2006, the members voted in favor of Bill 234. Also in his testimony, he mentions that Bill 234 will strengthen beautification programs, lessen village work loads, and would restrict dog attacks on school children and other individuals who use the shoulder of the roads to perform their daily walks, jogging, and exercises. The Mayors' Council is confident that the establishment of the Stray Dog Revolving Fund will provide tools necessary to actively intensify efforts in bringing the reduction of the stray dog population.

III. Findings & Recommendation

The Committee on Education and Community Development finds that the problem of stray dogs continues to plague our island. This problem poses a serious danger to the health and safety of our people. Children walking to and from bus stops are especially vulnerable. Current statutes do not adequately hold dog owners accountable for the problems caused by their dogs when allowed to roam free. The Committee further finds that the schedule of fines proposed in the Bill should be revised and, accordingly, has substituted the Bill to reflect this. The Committee, having taken into account the intent and the provisions of the Bill, and the testimony submitted, reports out **Bill No. 234(LS) as substituted by the author and further substituted by the Committee on Education and Community Development with the Recommendation TO DO PASS.**

Zuf
3/22/06

Zuf
3/22/06

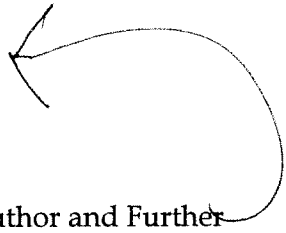
6
3/22/06
w/o engrossment

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE
2005 (FIRST) Regular Session

Bill No. 234 (LS)

add FAS

Introduced by:
As Substituted by the Author and Further
Substituted by the Committee on
Education & Community Development



A. B. Palacios, Sr.

ABP

AN ACT TO AMEND SUBSECTION (a) OF §34116, AND TO ADD NEW SECTION 34125 AND TO REPEAL AND RE-ENACT SECTION 34123 OF ARTICLE 1, CHAPTER 34, DIVISION 2, TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO THE IMPOSITION OF MANDATORY FINES ON OWNERS OF IMPOUNDED DOGS, AND TO ESTABLISH A STRAY DOG REVOLVING FUND.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
2 that the problem of stray dogs continue to plague all the municipalities of Guam
3 posing serious danger to the safety of children walking to and from the bus stop,
4 health hazards by overturning garbage cans and scattering the contents of household
5 waste containers throughout the area. Current statutes do not adequately hold owners
6 of stray dogs accountable for the problems caused by their dogs.

7 Therefore, it is the intent of *I Liheslaturan Guåhan* to make owners of stray
8 dogs more accountable for the problems created by their pet, to establish fines for

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 234

ABP

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

Add LFK as # 2 sponsor

(Below only for Clerk of Legislature's use and processing))

Date 3/22 2006

Floor Amendment No. 1 of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED:

Amendment Failed: _____

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED

[Signature]
AUTHOR OF AMENDMENT

Concur *(initial)*

[Signature]
Clerk of Legislature

Speaker

1 initial and repeated violations by the same owner and dog, and to establish a "Stray
2 Dog Revolving Fund".

3 **Section 2.** Subsection (a) of §34116, Article 1, Chapter 34, Division 2, Title
4 10 Guam Code Annotated, is hereby amended to read:

5 **"§34116. Dog running at large, impoundment, holding period,
6 sterilization and adoption.** (a) It shall be unlawful for any dog owner to
7 ~~willfully~~ ~~negligently~~ allow a dog owned by him to run at large."

8 **Section 3.** A new §34125 of Article 1, Chapter 34, Division 2, Title 10
9 Guam Code Annotated, is hereby added to read:

10 **"§34125. Penalties for Violation of Article 1 and 2.** Notwithstanding
11 ~~the provisions of~~ ~~§34124,~~ ~~violations of Article 1 and 2~~ shall be punished by a
12 fine of not less than \$25 for the first offense, \$50 for a second offense, and \$100
13 for a third and subsequent offense, in addition to the costs of all applicable
14 requirements, such as vaccination, licensing and per diem fee of impoundment.

15 **Section 4.** Section 34123 of Article 1, Chapter 34, Division 2, Title 10
16 Guam Code Annotated, is hereby repealed and re-enacted as follows:

17 **"§34123. Establishment of the "Stray Dog Revolving Fund."**

18 There shall be established a restricted fund account called the "Stray Dog
19 Revolving Fund," which shall be utilized by the Department to purchase
20 equipment and supplies for the effective implementation and enforcement of
21 Article 1 and 2 of this Chapter. All fees and revenues collected by the
22 Department of Agriculture, and all fines, imposed pursuant to the
23 enforcement of Articles 1 and 2, shall be deposited into the "Stray Dog
24 Revolving Fund." The Department of Agriculture shall administer the funds
25 for the purposes provided herein."

I MINA BENTE OCHO NA LIHESLATURAN GUAHAN
FLOOR AMENDMENTS/CHANGES

Bill No. 234 (LS)

Adolpho B. Palacios, Sr.
Senator Proposing Amendment

(Below for Senator to Complete)

Please describe proposed amendment, including where change to occur:

ON Page 2, Line 11, please replace the words
"provisions of" with the words "penalties
provided by"

(Below only for Clerk of Legislature's use and processing)

Date 3/22, 2005

Floor Amendment No. 2 of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED: _____

Amendment Failed: _____

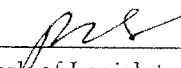
Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED



AUTHOR OF AMENDMENT

Concur (initial)


Clerk of Legislature

Speaker

Asst. Amend. Clerk

Engrossment Staff

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE
2005 (FIRST) Regular Session

Bill No. 234 (LS)
As Substituted by the Author

Introduced by:

A. B. Palacios, Sr.

AN ACT TO AMEND SUBSECTION (a) OF §34116, AND TO
ADD NEW SECTIONS 34125 AND 34126 TO ARTICLE 1,
CHAPTER 34, DIVISION 2, TITLE 10 GUAM CODE
ANNOTATED, RELATIVE TO THE IMPOSITION OF
MANDATORY FINES ON OWNERS OF IMPOUNDED DOGS
AND TO ESTABLISH A STRAY DOG REVOLVING FUND.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
2 that the problem of stray dogs continue to plague all the municipalities of Guam
3 posing serious danger to the safety of children walking to and from the bus stop,
4 health hazards by overturning garbage cans and scattering the contents of household
5 waste containers throughout the area. Current do not adequately hold owners of stray
6 dogs accountable for their negligence.

7 Therefore, it is the intent of *I Liheslaturan Guåhan* to make owners of stray
8 dogs more accountable for the problems created by their pet and to establish fines for
9 initial and repeated violations by the same owner and dog, by amending §34116.(a),
10 and adding new sections 34125 and 34126 to Chapter 34, Article 1, Division 2, Title
11 10, Guam Code Annotated.

1 **Section 2.** Subsection (a) of §34116, Article 1, Chapter 34, Division 2, Title
2 10 Guam Code Annotated, is hereby amended to read:

3 “**§34116. Dog running at large, impoundment, holding period,**
4 **sterilization and adoption.** (a) It shall be unlawful for any dog owner to
5 ~~willfully~~ negligently allow a dog owned by him to run at large.”

6 **Section 3.** A new §34125 of Article 1, Chapter 34, Division 2, Title 10
7 Guam Code Annotated, is hereby added to read:

8 “**§34125. Penalties for Violation of §34116.(a).** Notwithstanding the
9 provisions of §34124, violations of §34116.(a) shall be charged a stray dog
10 enforcement fee in the amount of One Hundred Fifty Dollars (\$150.00) in
11 addition to the costs of all applicable requirements, such as vaccination,
12 licensing and per diem fee of impoundment for first offense, prior to release of
13 the dog.

14 (2) the owner of the same dog impounded a second time
15 shall be charged a stray dog enforcement fee in the amount of Two
16 Hundred Fifty Dollars (\$250.00) in addition to other applicable costs,
17 prior to release of the dog.

18 (3) the owner of the same dog impounded a third time, shall
19 be charged a stray dog enforcement fee in the amount of Five
20 Hundred Dollars (\$500.00), which will remain as the mandatory fine
21 for every violation thereafter, in addition to other applicable costs,
22 prior to release of the dog.”

23 **Section 4.** A new §34126 is hereby added to Article 1, Chapter 34,
24 Division 2, Title 10 Guam Code Annotated, to read as follows:

25 “**§34126. Establishment of the “Stray Dog Revolving Fund.”**
26 There shall be established within the Department of Agriculture a restricted
27 fund account called the “Stray Dog Revolving Fund,” which shall be

1 utilized by the Department to purchase equipment and supplies for the
2 effective implementation and enforcement of §34116 of this Title.
3 Notwithstanding the provision of §34123 of this Article, all fees and
4 revenues collected by the Department of Agriculture pursuant to §34125
5 shall be deposited into the “Stray Dog Revolving Fund.” The Department
6 of Agriculture shall administer the funds and shall establish procedures for
7 the collection of the fees.”

8 **Section 5. Effective date.** This Act shall be effective on January 1,
9 2006.

I MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 234

BJFC

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

Change "negligently" to "knowingly"

(Below only for Clerk of Legislature's use and processing)

Date 3/22, 2006

Floor Amendment No. 1 of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED: _____

Amendment Failed: _____

Amendment Withdrawn: ✓

APPROVED AS TO FORM PASSED

AUTHOR OF AMENDMENT

Concur *(initial)*

[Signature]
Clerk of Legislature

Speaker

Ass't. Amend. Clerk
Engrossment Staff



Waiver of Fiscal Note

In accordance with § 9105 of Title 2 GCA, I hereby certify that prompt committee action on Bill No. 245 (EC) is necessary for the proper conduct of legislative business. Therefore, I am waiving the requirement for a Fiscal Note on Bill No. 245 (EC)

Larry F. Kasperbauer, Ph.D.
Chairman Committee on Education
and Community Development



COMMITTEE ON EDUCATION AND COMMUNITY DEVELOPMENT

Senator Larry F. Kasperbauer, Ph.D.
Chairman

Public Hearing

Friday, January 13, 2006 – 10:00 a.m.
Liheslaturan Public Hearing Room

Public Hearing:

AGENDA

- **Bill 246 (EC:)** AN ACT AMEND §19103 OF 17G.C.A. RELATIVE TO ALLOWING STUDENTS POSSESSING A BACHELORS DEGREE IN A SUBJECT OTHER THAN NURSING TO QUALIFY FOR THE NURSING TRAINING SCHOLARSHIP.
- **Bill 245 (EC):** AN ACT TO AMEND ITEM (a) OF §15A301 OF CHAPTER 15 OF 17G.C.A. RELATIVE TO EXPANDING THE PROVISIONS OF THE MERIT AWARD PROGRAM
- **Substitute Bill 234 (EC):** AN ACT TO AMEND SUBSECTION (a) OF §34116, AND TO ADD NEW SECTIONS 34125 AND 34126 TO ARTICLE 1, CHAPTER 34, DIVISION 2, TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO THE IMPOSITION OF MANDATORY FINES ON OWNERS OF IMPOUNDED DOGS AND TO ESTABLISH A STRAY DOG REVOLVING FUND.

Senator Larry F. Kasperbauer, Ph.D., Chairman

Substitute Bill 234 (EC): AN ACT TO AMEND SUBSECTION (a) OF §34116, AND TO ADD NEW SECTIONS 34125 AND 34126 TO ARTICLE 1, CHAPTER 34, DIVISION 2, TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO THE IMPOSITION OF MANDATORY FINES ON OWNERS OF IMPOUNDED DOGS AND TO ESTABLISH A STRAY DOG REVOLVING FUND

Friday January 13, 2006, 10 a.m. *I Liheslatura's* Public Hearing Room

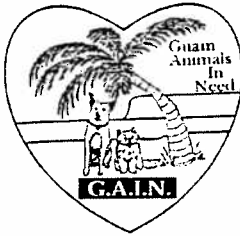
SIGN-IN SHEET

Name	Agency or Interest Group (if applicable)	Contact No.	Testimony		Comment	
Address			Oral	written	for	Against
GAIN	Heaven Johnson UP		—			

Name	Agency or Interest Group (if applicable)	Contact No.	Testimony		Comment	
Address			Oral	written	for	Against
Dogs	Paul Basler Director of Ag		—			

Name	Agency or Interest Group (if applicable)	Contact No.	Testimony		Comment	
Address			Oral	written	for	Against
Territorial Vote	Dr. Tom Poole		—			

Name	Agency or Interest Group (if applicable)	Contact No.	Testimony		Comment	
Address			Oral	written	for	Against



Guam Animals In Need, Inc.

P. O. Box 22365, GMF Barrigada, Guam 96921 653-GAIN (653-4246)

January 11, 2006

Senator Larry F. Kasperbauer
Chairman, Committee on Education & Community Development
Twenty-Eighth Guam Legislature

Re Bill 234

Dear Senator Kasperbauer,

Thank you so much for your invitation to testify concerning the proposed Bill 234. I am enclosing proposed revisions, which I gave to Senator Palacios yesterday. The revisions would accomplish the following:

- 1) Transfer enforcement of Article 2, 10 GCA Chapter 34, (sanitary permits and humane animal treatment) from DPHSS to the Department of Agriculture, so that all three articles would be enforced by one agency;
- 2) Create a stray dog fund for ALL violations Chapter 34, not just the one section pertaining to animals running at large;
- 3) Delete the provisions that the Department of Agriculture set up its own administrative system to charge violators and collect fines.

Bill 234 would allow the Department of Agriculture to set up its own administrative system to assess and collect fines for animals running at large. This is redundant, because the Superior Court already has such a system in place, with a whole lot more enforcement power: a judge can hold a person in contempt of court if he refuses to pay a fine as ordered, while the Director of Agriculture could not.

Thank you for your consideration in this matter.

Karon V. Johnson
GAIN Vice-President



Guam Animals In Need, Inc.

P. O. Box 22365, GMF Barrigada, Guam 96921 653-GAIN (653-4246)

www.guamanimals.org

Senator Adolpho B. Palacios, Sr.
Twenty-Eighth Guam Legislature

Re: Bill 234 Concerning Animal Control

Dear Senator Palacios,

Thank you for the opportunity to testify concerning proposed Bill 234. G.A.I.N. strongly supports the creation of an animal control fund, separate from the general fund, for the purchase of equipment and supplies to assist in enforcement of the animal control laws. We believe that it should be funded by fines imposed by the Superior Court, pursuant to citations as provided by 10 GCA §34121(c).

We believe it is important to utilize the existing citation system for two reasons. First, if Guam Department of Agriculture (GDA) was to undertake to impose the fines itself, it would have to set up some sort of adjudication/hearing procedure so that people who wanted to contest the imposition of the fine would have a forum to do so. This is required by the Fourteenth Amendment, which provides that property may not be taken by the government without due process of law. This could be done easily enough by designating someone within GDA to be the hearing officer for such matters. But why go to that trouble, when you already have a misdemeanor court designated for that purpose?

Second, GDA could impose a fine, but how is it going to collect it? If the court imposes a fine, and a person doesn't pay, he can be held in contempt of court; a warrant can be issued for his arrest and he can be brought before the court to answer for his failure to pay. GDA does not have the authority to do this.

Thus, for both reasons, we believe that the existing citation provisions should be used for animal control violations.

Accordingly, we recommend the following modifications, as explained below.

I. GDA SHOULD ASSUME RESPONSIBILITY FOR ARTICLE 2.

Presently, the enforcement of Title 10, Chapter 34, Article 2, which includes the humane treatment of animals as well as permits for commercial animal facilities, is delegated to DPHSS. I understand that the Director of DPHSS has, by letter, delegated enforcement of Article 2 to the GDA. Rather than rely upon an inter-agency understanding, which could change with a new

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REC 11/10

DPHSS director, we believe that GDA should be designated as the enforcement agency for Article 2 by statute. We would propose this addition:

§34127. Transfer of Article 2, Chapter 34, Division 2, Title 10 Guam Code Annotated From DPHSS to DOA.

(a) All references to “Department of Public Health and Social Services” in Article 2 of chapter 34 of Title 10 of the Guam Code Annotated shall be changed to read “Department of Agriculture,” and all references to the “Director of the Department of Public Health and Social Services” shall be changed to read “Director of the Department of Agriculture.”*

*The source for this wording is that used by the Twenty-Sixth Legislature in Bill 241, which transferred authority for Articles 1 and 3 from GPHSS to DPA. I’ve attached a copy of that language for your reference.

II. SECTION 34125

G.A.I.N. recommends that the proposed §34125 be modified to cover ALL violations of Articles 1 and 2. As written, the section provides that these mandatory minimum fines apply only to violations of the leash law, §34116. Why should it not apply to all violations of Articles 1 and 2?

Second, we strongly support the setting of mandatory minimum fines; this sends a clear message to the courts that the legislature takes the enforcement of animal control laws seriously. (The present §34124 allows the court to impose no fine, at its discretion). We believe, however, that the proposed schedule is a little too onerous. Accordingly, G.A.I.N. proposes that this section read as follows:

“§34125. Penalties for Violations of Articles 1 and 2. Notwithstanding the provisions of §34124, violations of Articles 1 and 2 shall be punished by a fine of no less than \$25 for the first offense, \$50 for a second offense, and \$100 for a third and subsequent offense, in addition to the costs of all applicable requirements, such as vaccination, licensing and per diem impoundment fees.”

III. REPEAL AND RE-ENACT SECTION 34123

We suggest just replacing the present § 34123, as follows:

“§ 34126. Section 34123 of Article 1, Chapter 34, Division 2, Title 10 Guam Code Annotated, is hereby repealed and re-enacted as follows:

**§34123. Establishment of a Stray Dog Revolving Fund.
There shall be established a restricted fund account called the**

“Stray Dog Revolving Fund” (the Fund) which shall be utilized by the Department to purchase equipment and supplies for the effective implementation and enforcement of Articles 1 and 2 of this Title. All fees and revenues collected by the Department of Agriculture, and all fines, imposed pursuant to the enforcement of Articles 1 and 2, shall be deposited into the Fund. The Department of Agriculture shall administer the Fund for the purposes provided herein.”

We believe these revisions are important for three reasons:

- 1) These provisions ensure that the monies generated from ANY violation of the provisions of Articles 1 and 2 will be deposited into that Fund.
- 2) The courts can always impose a higher fine if it sees fit, but it cannot waive a fine and impose no penalty at all. Setting these mandatory minimum fines ensures that the offender will receive some penalty.
- 3) This would maximize revenue for the Fund. If this bill anticipates fining people whose animals are impounded at the G.A.I.N. Shelter, and who would have to pay a fine before the animal was released, it will generate virtually no revenue. Below are G.A.I.N’s statistics concerning the number of pets impounded at the Shelter since we assumed operation March, 2001. The only significant number of impoundments occurred during an unusually enthusiastic Mayor’s Council roundup which lasted four months and resulted in the collection of 846 animals. The Mayor’s Council has since changed strategy, collecting animals only by traps. This method collects strays, not people’s pets, and generate nothing DPA.

**BREAKDOWN OF OWNERS CLAIMING
IMPOUNDED ANIMALS, 2001 - 2005**

<u>Quarter</u>	<u># Owners</u>
March-June, 2001	0
July-Sept, 2001	64
Oct-Dec, 2001	69
Jan-March, 2002	8
April-June, 2002	9
July-Sept, 2002	8
Oct-Dec, 2002	3
Jan-March, 2003	1
April-June, 2003	3
July-Sept, 2003	9
Oct-Dec, 2003	2
Jan-March, 2004	1
April-June, 2004	7
July-Sept, 2004	0

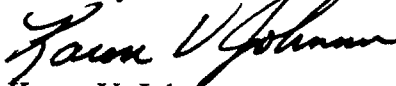
Oct-Dec, 2004	0
Jan-March, 2005	1
April-June, 2005	1
July-Sept, 2005	<u>1</u>
Total	187 owners

From 2002-September, 2005, only 54 people reclaimed their pets, an average of only about 17/year. We are also concerned that if people have to pay a fine before their animal can be released from the Shelter, they will abandon it. At that point, GDA will never see a nickle. Even if all 17 people paid \$150, that's only about \$2,550 a year, a pittance.

In summary, we strongly support the creation of an animal control fund, and the imposition of minimum fines for animal control violations. We believe GDA should assume authority for the enforcement of Article 2, that the fund should include fines from ALL animal control violations, not just the leash law section, 34116, and that minimums imposed should be reduced.

Again, thank you so much for the opportunity to testify on this bill. The animal control unit is woefully underfunded. The creation of a separate fund for the fines generated by the enforcement of animal control laws would be of great assistance.

Sincerely,



Karon V. Johnson
 Vice President
 Guam Animals In Need, Inc.

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session

Bill No. 241 (LS)

As substituted on the Floor and amended.

Introduced by:

Title 12G-CA § 79100

Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs

- Mark Forbes
- J. F. Ada
- T. C. Ada
- F. B. Aguon, Jr.
- J. M.S. Brown
- E. B. Calvo
- F. P. Camacho
- M. C. Charfauros
- L. F. Kasperbauer
- L. A. Leon Guerrero
- K. S. Moylan
- V. C. Pangelinan
- A. L.G. Santos
- A. R. Unpingco
- J. T. Won Pat

AN ACT TO CREATE THE CONSOLIDATED COMMISSION ON UTILITIES, TO REORGANIZE AND CONSOLIDATE SEVERAL GOVERNMENT OF GUAM AGENCIES AND FOR OTHER PURPOSES.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that it is in
3 the public interest to create an elected Consolidated Commission on Utilities

1 separate agency. Any previous Executive Order promulgated to establish the
2 Guam Health Planning and Development Agency is hereby rendered a nullity
3 and without force. Any classified employees displaced as a result of this
4 action shall be transferred to the Bureau of Statistics and Plans.

5 **Section 56.** Any board, commission, council or oversight body that has
6 *not* met in the last twelve (12) months, with the *exception* of bodies relating to
7 the Department of Education ("DOE"), the Guam Community College
8 ("GCC"), the University of Guam ("UOG") and the Guam Memorial Hospital
9 Authority ("GMHA"), shall hereby be abolished.

10 Any powers vested in said boards, commissions or councils shall revert
11 to the previous authority empowered with handling the respective mandate.
12 In the event a body was created within a governmental entity to generally
13 manage the affairs of matters relating to said entity, that government entity
14 shall assume the powers given to any body abolished by this Section.

15 Should *I Maga'lahaen Guåhan* identify the continued need for such a
16 board, commission, council or oversight body, *I Maga'lahaen Guåhan* shall
17 provide *I Liheslaturan Guåhan*, within thirty (30) days of the enactment of this
18 Act, justification for the reformulation of such body and a list of appropriate
19 mandates.

20 **Section 57. Transfer of Animal Quarantine Program and the Animal**
21 **Control Program from DPH&SS to DOA.**

22 (a) All references to "*Department of Public Health and Social*
23 *Services*" in Articles 1 and 3 of Chapter 34 of Title 10 of the Guam Code
24 Annotated shall be changed to read "*Department of Agriculture*," and all

2 references to the "Director of the Department of Public Health and Social
3 Services" shall be changed to read "Director of the Department of
4 Agriculture."

5 (b) All positions of Animal Control Officers and Animal
6 Caretakers are transferred from the Department of Public Health and
7 Social Services ("DPH&SS") to the Department of Agriculture ("DOA"),
8 along with the budgetary funding for those positions.

9 (c) The property, equipment, supplies and operations of the
10 Yigo Animal Shelter are transferred from DPH&SS to DOA.

11 (d) Any Memorandum of Understanding between DPH&SS and
12 the Department of Corrections ("DOC") relating to the picking up of
13 dead animals shall be amended to be between DOA and DOC. Any
14 Memorandum of Understanding between DPH&SS and Guam Animals
15 In Need ("GAIN") relating to operating the Yigo Animal Shelter and
16 adoption program shall be amended to be between DOA and GAIN.

17 (e) All responsibility and statutory authority for the clearance of
18 imported animals at ports of entry on Guam shall be transferred from
19 the Customs and Quarantine Agency to DOA's Plant Protection and
20 Quarantine Division.

21 (f) The effective date of the provisions of this Section shall be
22 ninety (90) days *after* the effective date of this Act.

23 Section 58. Section 1909.1 is hereby *added* to Chapter 19 of Title 1 of the
24 Guam Code Annotated to read as follows:

"Section 1909.1. Confidentiality of Investigations.



Mayors' Council of Guam

Konsehelon Mahot Guåhan

January 13, 2006

The Honorable Lawrence F. Kasperbauer, Ph. D.
Senator and Chairman
Committee on Education & Community Development
Mina Bente Ocho Na Liheslaturan Guåhan
155 Hesler Street
Hagatna, Guam 96910

Mr. Chairman and Members of the Committee:

Hafa Adai yan Biba Añu Nuebu! For the record my name is Paul M. McDonald, President-Elect for the Mayors' Council of Guam. I am pleased to submit written testimony on behalf of the Mayors' Council of Guam in support of the intent of Bill No. 234 (EC) "AN ACT TO AMEND SUBSECTION (a) OF §34116, AND TO ADD NEW SECTIONS 34125 AND 34126 TO ARTICLE 1, CHAPTER 34, DIVISION 2, TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO THE IMPOSITION OF MANDATORY FINES ON OWNERS OF IMPOUNDED DOGS AND TO ESTABLISH A STRAY DOG REVOLVING FUND". Before proceeding with my testimony, I would like to take this opportunity to commend the author of the bill, Senator Palacios for introducing this important piece of legislation.

One of the issues that continue to plague the Mayors' Council of Guam and our respective residents is the continuing and growing problem with regards to stray dogs. The Mayors and Vice Mayors of Guam are very concerned with regards to the current government operations in addressing this dilemma. Due to the lack of financial and equipment resources at the Department of Agriculture to effectively address the problems with the stray dogs, I had to reactivate the Mayors' Council of Guam Stray Animal Round Up (SARU) Task Force. The primary mission of the Task Force was to meet with representatives from the DoAG, and G.A.I.N. to come up with recommendations to address the stray animal population currently affecting all parts of the island community. After several meetings, the Task Force established short and long-term goals towards mitigating the stray animal population. The short-term goal was to conduct an immediate stray dog round-up campaign in all the nineteen (19) districts. Unfortunately this operation had to cease after five (5) weekends due to personnel and equipment issues at the Department of Agriculture. This five (5) weekend operation (*inclusive of independent Mayors' Office campaigns*) netted approximately eighty (80) stray dogs. Our operation could have been more successful if the Department of Agriculture had the necessary funding to address their shortfalls. The Mayors and Vice Mayors continue to be frustrated with the problem surrounding these stray animals, however, our financial resources are limited as well.



Ancient Latte Stones

P. O. Box 786, Hagåtña, Guam 96932
Office: (671) 472-6940, 477-8461 • Fax: (671) 477-8777
E-mail: mcogadmin@eccomm.com

The Mayors' Council of Guam supports the intent of Bill No. 234 (EC) because if passed and enacted into law, revenues would be generated through the collection of fees and fines from pet owners who "negligently" allow their pets to run at large. Of course, in their efforts to enforce the law, the burden of proof will lie with the Department of Agriculture. Nevertheless, all fees and fines collected by the Department of Agriculture will be utilized to purchase the equipment and supplies necessary to effectively enforce the "leash law".

Mr. Chairman and members of the committee, this concludes my testimony in support of the intent of Bill No. 234 (EC). On behalf of the Mayors and Vice Mayors of Guam I respectfully request that the committee reports out its findings to the Legislature with the recommendation to pass Bill No. 234 (EC). *Un Dangko'lo Na Si Yu'os Ma'åse.*

Senseramente,



MAYOR PAUL M. MCDONALD
President-Elect
Mayors' Council of Guam

cc: All Mayors and Vice Mayors
MCOG Executive Director
File

Written Testimony

By

Jose "Pedo" Terlaje

Mayor, District of Yona and Vice President of the Mayors' Council of Guam

Good Morning Mr. Chairman and Members of the Education Committee.

For the record, my name is Jose "Pedo" Terlaje, Mayor of Yona and Vice President of the Mayors' Council of Guam. As directed by the President, I am transmitting my written testimony on behalf of the Mayors' Council of Guam.

Mr. Chairman, I am elated to report that during the Mayors' Council Regular Monthly Meeting on January 4, 2006, the members of the Mayors' Council voted in favor of Bill 234 (EC) an Act to amend subsection (a) of §34116, and to add new Sections 34125 and 34126 to Article 1, Chapter 34, Division 2, Title 10 Guam Code Annotated, relative to the imposition of mandatory fines on owners of impounded dogs and to establish a stray dog revolving fund.

In sharing our thoughts relative to this particular legislation, we want to acknowledge that Bill 234 will definitely invigorate not only our beautification programs and lessening our village work loads, but most importantly, would restrict dog attacks on school children and those individuals who would like to take advantage of using the shoulder of the roads within residential areas to perform their daily walk, jogging, and exercises.

The increased of mandatory fines is probably one way to alert and remind dog owners that the government is doing something about the constant complaints of loose dogs and most importantly, dog attacks being reported to the Mayor's Office.

Though the Mayors of Guam and the Department of Agriculture are working corroboratively in trying to satisfy the issues of solidifying the stray and loose dog complaints, it is almost impossible to counteract these problems expeditiously due to the restrictions placed upon us by the GAIN Association and the lack of resources at hand.

We are confident however, that the establishment of a Stray Dog Revolving Funds will definitely provide us with some tools necessary to actively intensify our efforts in bringing about the reduction of the stray dog population.

Once again Mr. Chairman, on behalf of the Mayors' Council of Guam, Thank You and Un Dankulu Na Si Yu'os Ma'ase.


JOSE "Pedo" TERLAJE



Twenty-Eighth
Guam Legislature

PARLIAMENTARIAN

Vice Chair
Finance,
Taxation &
Commerce

Vice Chair
Criminal Justice,
Public Safety,
Youth &
Foreign Affairs

Vice Chair
Tourism,
Maritime,
Military &
Veterans Affairs

Member
General &
Omnibus Matters

Member
Executive
Committee

Member
Health &
Human Services

Member
Natural Resources,
Utilities &
Micronesia Affairs

Member
Aviation,
Immigration,
Labor &
Housing

Member
Judiciary,
Governmental
Operations, &
Reorganization

January 6, 2006

MEMORANDUM

To: All Members - All Senators
Committee on Education & Community Development

From: Chairman *Larry Kasperbauer*

Subject: Notice of Public Hearing, January 13, 2006, @ 10 a.m.

Please be advised that the Committee on Education and Community Development will conduct a public hearing on Friday, January 13, 2006, beginning at 10 a.m. The hearing will take place at *I Liheslatura's* public hearing room to receive testimony on the following:

The Agenda is as follows:

- **Bill 246 (EC):** Relative to allowing students possessing a Bachelors Degree in a subject other than Nursing to qualify for the Nursing Training Scholarship; by L.F. Kasperbauer
- **Bill 245 (EC):** Expanding the provisions of the Merit Award Program; by L.F. Kasperbauer
- **Substitute Bill 234 (EC):** Mandatory fines on owners of impounded dogs and to establish a stray dog revolving fund; by A.B. Palacios

I look forward to your attendance. Should you wish to discuss any of the Bills before the hearing I will be available to do so.

CC: All Senators
Protocol
Audio
Office of the Clerk

RECEIVED
DATE: 1-6-06

—Education is the Way!—

Larry F. Kasperbauer

From: Robert Q. Tupaz [rob2paz@gmail.com]
Sent: Friday, January 06, 2006 3:24 PM
To: 'news@kuam.com'; 'news@guampdn.com'; 'news@k57.com'; 'marvic@mvguam.com';
'mmaratita@glimpses.guam.net'; 'editor@directionsguam.com'
Cc: 'msilva@k57.com'; 'life@guampdn.com'; 'rgibson@k57.com'; 'kstonews@ite.net';
'carlene@guahanmagazine.com'; 'jayne@guahanmagazine.com'; 'ongirairiki@guampdn.com'
Subject: Media Notice
Attachments: 1.06.06allmedia1.13.06.doc



I Mina Bente Ocho Na Liheslaturan Guåhan
Senator Larry F. Kasperbauer, Ph.D.

155 Hesler St. Hagatna, Guam 96910

lk4kids@ite.net; www.lk4kids.com; (671) 475 - KIDS (5437); (671) 475 - 2000 (Fax):

January 6, 2006

Re: All Media

Attention: Community Calendar:
Public Service Announcement

Maifafa Adai:

Kindly post or broadcast the following as a public service announcement at the earliest run convenience and run until January 13, 2006. Thank you.

The Committee on Education and Community Development will hold a Public Hearing on Friday January 13, 2006 beginning at 10 a.m. at I Liheslatura's public hearing room to receive testimony on **Bill 245 (EC): Expanding the provisions of the Merit Award Program; Bill 246 (EC): Relative to allowing students possessing a Bachelors Degree in a subject other than Nursing to qualify for the Nursing Training Scholarship and on Substitute Bill 234 (EC): Mandatory fees on owners of impounded dogs and to establish a stray dog revolving fund** For complete text of the Bills log on to www.guam.legislature.com under link "Bills introduced & passed". For information and for persons with disabilities who require special accommodations, please call Senator Larry F. Kasperbauer at 475-5437."

Larry F. Kasperbauer

From: Robert Q. Tupaz [rob2paz@gmail.com]
Sent: Friday, January 06, 2006 2:55 PM
To: 'news@guampdn.com'
Subject: PSA for Gov't meeting
Attachments: 1.6.06PDN41.13.06.doc



I Mina Bente Ocho Na Liheslaturan Guåhan
Senator Larry F. Kasperbauer, Ph.D.

155 Hesler St. Hagatna, Guam 96910

lk4kids@ite.net; www.lk4kids.com; (671) 475 - KIDS (5437); (671) 475 - 2000 (Fax):

January 6, 2006

Re: The Pacific Daily News

Attention: Government Meetings section

Ufa Adai:

Kindly post the following in the Pacific Daily News Government Meetings section at the earliest run convenience and run until January 13, 2006. Thank you.

The Committee on Education and Community Development will hold a Public Hearing on Friday January 13, 2006 beginning at 10 a.m. at I Liheslatura's public hearing room to receive testimony on **Bill 245 (EC)**: Expanding the provisions of the Merit Award Program; **Bill 246 (EC)**: Relative to allowing students possessing a Bachelors Degree in a subject other than Nursing to qualify for the Nursing Training Scholarship and on **Substitute Bill 234 (EC)**: Mandatory fees on owners of impounded dogs and to establish a stray dog revolving fund For complete text of the Bills log on to www.guam.legislature.com under link "Bills introduced & passed". For information and for persons with disabilities who require special accommodations, please call Senator Larry F. Kasperbauer at 475-5437."

Sincerely,

Larry F. Kasperbauer

————— Education is the Way —————

Larry F. Kasperbauer

From: Robert Q. Tupaz [rob2paz@gmail.com]
Sent: Friday, January 06, 2006 12:36 PM
To: 'ads@mvguam.com'
Cc: 'mvariety@vzpacifica.net'
Subject: Attn Valerie: for community calendar. Thanks
Attachments: MV1.06.06for1.13.06.doc



I Mina Bente Ocho Na Liheslaturan Guåhan
Senator Larry F. Kasperbauer, Ph.D.

155 Hesel St. Hagatna, Guam 96910

lk4kids@ite.net; www.lk4kids.com; (671) 475 - KIDS (5437); (671) 475 - 2000 (Fax):

January 6, 2006

to: The Marianas Variety, Guam Edition

attention: **Community Calendar - Government Meetings section**

Re: Afa Adai: Valerie:

Kindly post the following in the Marianas Variety, Guam Edition Community Calendar, under Government Meetings section at the earliest run convenience and by January 9, 2006 and run until January 13, 2006. Thank you.

The Committee on Education and Community Development will hold a Public Hearing on Friday January 13, 2006 beginning at 10 a.m. at I Liheslatura's public hearing room to receive testimony on **Bill 245 (EC)**: Expanding the provisions of the Merit Award Program; **Bill 246 (EC)**: Relative to allowing students possessing a Bachelors Degree in a subject other than Nursing to qualify for the Nursing Training Scholarship and on **Substitute Bill 234 (EC)**: Mandatory fines on owners of impounded dogs and to establish a stray dog revolving fund For complete text of the Bill log on to www.guam.legislature.com under link "Bills introduced & passed". For information and for persons with disabilities who require special accommodations, please call Senator Larry F. Kasperbauer at 475-5437."

Thank You:

Senator Larry F. Kasperbauer, Ph.D.

————— Education is the Way —————

1/17/2006



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LOCAL

Pacific Daily News, Friday, January 13, 2006 guampdn.com



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 TEL: (671) 633-EYES (3937) • TELEFAX: (671) 633-0022
 EMAIL: veguam@ite.net

GOVERNMENT MEETINGS

Editor's note: Government meeting submissions will be tightly edited. Meetings will run on a space-available basis. Deadline is noon Friday for publication Saturday, Sunday and Monday, and noon Monday through Thursday for next day publication. In the event of a local holiday, deadline will be noon the previous weekday.

Jan. 13
 Committee on Education and Community Development public

hearing: 10 a.m. Jan. 13, Legislature's public hearing room, Hagaña. Bill 245, to expand provisions of the merit award program; Bill 246, to allow students possessing a bachelor's degree in a subject other than nursing to qualify for the Nursing Training Scholarship; substitute Bill 234, concerning mandatory fines on owners of impounded dogs and to establish a stray dog revolving fund.

GovGuam Retirement Fund Board of Trustees regular meeting: Noon Jan. 13, Retirement Fund conference room, Route 8, Maite. For special accommodations, call 475-8900/1.

Guam Board of Allied Health Examiners rescheduled regular meeting: Noon Jan. 13, FHP Home Health Care conference room, Suite 102, E.T. Calvo Memorial Parkway, Tamuning. Agenda copies available.

Jan. 17
 Committee on General and Omnibus Matters and Executive Committee public hearing: 2 p.m. Jan. 17, Legislature's public hearing room. Bill 192, to reappropriate \$25,000 from sums appropriated to the legislature for fiscal 2005 to Department of Agriculture to purchase uniforms, supplies and law enforcement equipment for its law enforcement division; Bill 206, authorizing the governor to exchange a portion of a prewar bull cart trail in Talofofo; Bill 207, relative to the appointment of and removal of officers and employees within the governor's office, lieutenant

governor of Guam, Guam State Clearing House and all other offices that may be established and placed under the purview or direction of the lieutenant governor of Guam; Bill 208, to appropriate \$16,000 from funds of the office of Vice Speaker Joanne Brown and to authorize the University of Guam to reappropriate unexpended funds from Section 2 of P.L. 28-17 to UOG's Inarajan Agricultural Experiment Station to purchase a total carbon/nitrogen analyzer and related supplies; to also appropriate \$25,000 from funds of the office of Vice Speaker Joanne Brown to the Department of Parks and Recreation for installation and repair of entry gates to public parks around the island; Bill 222, relative to disclosing special benefits provided by airlines to government officials; Bill 239, placing the Meryn G. Cook School under the administrative jurisdiction of the Merizo mayor's office. Call 472-3409.

Hagaña Restoration and Redevelopment Authority board of commissioners regular meeting: 3 p.m. Jan. 17, HRRA office, Building 106, Chamorro Village, Hagaña. Public is invited. For special accommodations, call 472-9446.

Jan. 18
 Guam Board of Examiners for Dentistry regular meeting: 3 p.m. Jan. 18, Health Professional Licensing office, Suite 9, 651 Legacy Square Commercial Complex, Route 10, Mangilao. For special accommodations call 735-7406/7408

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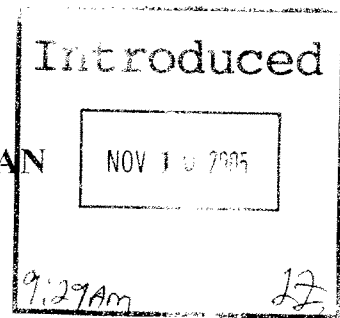
Committee on Education and Community Development

COMMITTEE REPORT CHECKLIST

Bill No. 234 (LS) Author: A.B. Palacios

- 1. Memorandum to Speaker ok na
- 2. Memorandum to Committee members ok na
- 3. Voting Sheet ok na
- 4. Committee Report Digest – Overview ok na
- 5. Committee Report Digest – Summary of Testimonies ok na
- 6. Committee Report Digest – Findings Recommendations ok na
- 7. Bill - Committee substitution ok na
- 8. Bill - Author Substitution ok na
- 9. Bill as introduced ok na
- 10. Fiscal Note ok na
- 11. Public Hearing Agenda ok na
- 12. Public Hearing Sign-in sheets ok na
- 13. Testimony, written ok na
- 14. Protocol notices ok na
- 15. Media Notices ok na
- 16. Published Notices ok na
- 17. Miscellaneous attachments ok na

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE
2005 (FIRST) Regular Session



Bill No. 234 (LS)

Introduced by:

A. B. Palacios, Sr.

A handwritten signature in black ink, enclosed in a hand-drawn oval.

AN ACT TO AMEND SUBSECTION (a) OF §34116, DIVISION 2, CHAPTER 34, ARTICLE 1, TITLE 10, GUAM CODE ANNOTATED, BY ADDING ITEMS (1), (2), (3) AND (4), AND TO ADD A NEW §34116.1 TO DIVISION 2, CHAPTER 34, ARTICLE 1, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE IMPOSITION OF MANDATORY FINES ON OWNERS OF IMPOUNDED DOGS AND TO ESTABLISH A STRAY DOG REVOLVING FUND.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
2 that the problem of stray dogs, together with the many ill-effects which it produces,
3 continue to plague all the municipalities of Guam, especially those with high housing
4 and population densities.

5 *I Liheslaturan Guåhan* also finds that these uncontrolled and stray dogs can be
6 the source of serious danger to the safety of children walking to and from the bus
7 stops. Additionally, they are the immediate cause of health hazards by overturning
8 garbage cans and scattering the contents of household waste containers.

9 *I Liheslaturan Guåhan* further finds that, in accordance with the current
10 provisions of law, "any dog that is not wearing a current tag in accordance with

1 §34106 of Title 10 of the Guam Code Annotated or any dog that is running at large
2 shall be apprehended and impounded and disposed of in accordance with
3 departmental regulations.”

4 *I Liheslaturan Guåhan* further finds that the current statute, to include
5 governmental rules and regulations, lack the necessary provisions to hold dog owners
6 accountable for their negligent conduct.

7 Therefore, it is the intent of *I Liheslaturan Guåhan* to make owners of dogs
8 more accountable for the problems created by stray dogs, and to establish fines for
9 initial and repeated violations by the same dog and owner, by adding items (1), (2),
10 (3) and (4) to §34116, Chapter 34, Article 1, Division 2, Title 10, Guam Code
11 Annotated.

12 **Section 2.** Subsection (a) of §34116, Chapter 34, Article 1, Division 2, Title
13 10, Guam Code Annotated, is hereby amended by adding Items (1), (2), (3) and (4),
14 to read:

15 **“§34116. Dog running at large, impoundment, holding period,
16 sterilization and adoption.** (a) It shall be unlawful for any dog owner to
17 [~~willfully~~] negligently allow a dog owned by him to run at large.

18 (1) the owner of any impounded dog shall pay an initial fine
19 of One Hundred Fifty Dollars (\$150.00) in addition to the costs of all
20 applicable requirements, such as vaccination, licensing and per diem
21 fee of impoundment.

22 (2) the owner of the same dog impounded a second time
23 shall pay a fine of Two Hundred Fifty Dollars (\$250.00) in addition to
24 other applicable costs.

25 (3) the owner of the same dog impounded a third time, shall
26 pay a fine of Five Hundred Dollars (\$500.00), which will remain as

1 the mandatory fine for every violation thereafter, in addition to other
2 applicable costs.

3 **Section 3.** §34116.1 is hereby added to Chapter 34, Article 1, Division 2,
4 Title 10, Guam Code Annotated, to read:

5 **“§34116.1. Establishment of a Stray Dog Revolving Fund.**

6 Notwithstanding any provision of law or any departmental rules and
7 regulations to the contrary, there shall be established within the Department
8 of Agriculture a Stray Dog Revolving Fund, which shall be utilized by the
9 Department to purchase any equipment and supplies for the effective
10 implementation and enforcement of §34116 of this Title. All income and
11 revenues collected from the imposition of fines, including all such revenues
12 from the vaccination, licensing and upkeep of dogs, shall be deposited to
13 this Stray Dog Revolving Fund.”